

FORM PTO-1390 (Modified)
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371

101195-48

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/831,083

INTERNATIONAL APPLICATION NO.

PCT/DE99/03432

INTERNATIONAL FILING DATE

27 Oct. 1999 (27.10.99)

PRIORITY DATE CLAIMED

4 November 1998 (04.11.98)

TITLE OF INVENTION

New Expression Cassette for Expression of Arbitrary Genes in Plant Seeds

APPLICANT(S) FOR DO/EO/US

Ute Heim; and Hans Weber

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

1) Amendment providing the sequence listing in computer readable format and paper copy is enclosed.

2) The surcharge for the late filing of the declaration was paid at the time of filing.

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 09/831,083	INTERNATIONAL APPLICATION NO. PCT/DE99/03432	ATTORNEY'S DOCKET NUMBER 101195-48
---	--	--

21. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO **\$1,000.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO **\$860.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$710.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) **\$690.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) **\$100.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	0	x \$18.00
Independent claims	- 3 =	0	x \$80.00

Multiple Dependent Claims (check if applicable). ☐

TOTAL OF ABOVE CALCULATIONS =

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). ☒

SUBTOTAL =

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

TOTAL FEES ENCLOSED =

Amount to be: refunded	\$
charged	\$

☐ A check in the amount of _____ to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. **14-1263** in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **14-1263** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

the correspondence address associated with Customer No. 27387

SIGNATURE

Bruce S. Londa

NAME

33-531

REGISTRATION NUMBER

July 6, 2001

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Docket No.:
101195-48

EXAMINER :

GROUP ART UNIT

APPLICANT : Ute Heim et al.

APPLN. NUMBER: 09/831,083

FILED : May 2, 2001

FOR : New Expression Cassette for Expression of
Arbitrary Genes in Plant Seeds

SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE

Box Sequence
Hon. Assistant Commissioner of Patent
Washington, D.C. 20231

Sir:

IDENTIFICATION OF DECLARANT

1. I, Bruce S. Londa, state the following:

ITEMS BEING SUBMITTED

2. Submitted herewith is/are
 - a) "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 CFR 1.821(c) and 37 CFR 1.822 and 1.823.

- b) An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 CFR 1.821(d).
- c) A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 1.821(e) and 1.824.
- d) A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 CFR 1.821(g).
- e) Because this submission is made in fulfilling the requirement under 37 CFR 1.821(g), a statement that the submission includes no new matter.

STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER

3. I hereby state that each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate. All papers accompanying this submission, or for which a request for transfer from applicant's other application, introduce no new matter.

STATUS

5. Applicant is a small entity.

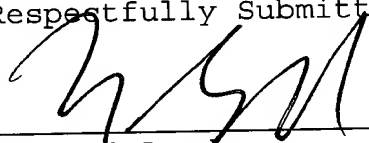
AMENDMENT

6. In the specification, please add the "Sequence Listing" set forth on the attached sheets.

FEE DEFICIENCY

7. The Commissioner is hereby authorized to charge any additional fees which may be required to make this response timely, or credit any overpayment, to Deposit Account No. 14-1263.

Respectfully Submitted,



Bruce S. Londa
Attorney for Applicant
Norris, McLaughlin & Marcus P.A.
220 East 42nd Street, 30th Floor
New York, N.Y. 10017
Telephone: (212) 808-0700
Facsimile: (212) 808-0844